

1 WILLIS LOUVIERE

2 UNITED STATES
3 DISTRICT COURT
4 MIDDLE DISTRICT
5 OF LOUISIANA

6 VERSUS

7 ACADIA PARISH SHERIFF'S
8 DEPARTMENT, ET AL

9 6:06-CV-1374 LO

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11
12 DEPOSITION OF DENNIS RAY FRUGE,
13 TAKEN AT THE OFFICES OF MESSRS. BAROUSSE & CRATON,
14 211 NORTH PARKERSON AVENUE, CROWLEY, LOUISIANA,
15 ON FRIDAY, MARCH 16, 2007.
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22

23 REPORTED BY:

24 RONNIE HOTZ
25 CERTIFIED SHORTHAND REPORTER



RONNIE HOTZ THE DEPOSITION KING
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D R A M A T I S P E R S O N A E:

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S T I P U L A T I O N

It is stipulated and agreed by and between counsel for the parties that this deposition is hereby being taken for all purposes, pursuant to the Federal Rules of Civil Procedure, in complete conformity and in accordance with law, pursuant to notice and/or agreement, at the place and time more specifically set forth on the front sheet hereof;

That the formalities of sealing, filing and certification are specifically waived;

That the formalities of reading and signing are specifically NOT waived;

That all objections, save those as to the form of the question and the responsiveness of the answer, are reserved until such time as this deposition, or any part thereof, may be used or sought to be used in evidence;

That RONNIE HOTZ, Certified Court Reporter, officiated in administering the oath to the above-mentioned witness.

* * *

5
DENNIS RAY FRUGE,
148, Cat Tail Road, Iota, Louisiana, who,
after having been first duly sworn by the
above-mentioned reporter, was examined
and testified as follows:

MR. MCKAY:

Detective Fruge, my name is John McKay.
I just met you a few minutes ago. I want
to ask you some questions about an
incident that took place on August 12,
and 13 of 2005.

If I ask you a question that you
don't understand or don't know the answer
to, would you please let me know and I'll
either go on to another question or I'll
try to explain the one that you don't
understand.

And you'll need to answer out
loud so this gentleman here can take it
down on his machine.

If you shake your head or nod
your head, it won't be something that he
can transcribe on that machine, so you
need to answer out loud.

You have the right to read and

1 sign your deposition.

2 THE WITNESS:

3 Okay.

4 EXAMINATION BY MR. MCKAY:

5 Q Have you ever given a deposition before?

6 A No, sir.

7 Q Could you again state your address for the
8 record, please?

9 A 148 Cat Tail Road, Iota, Louisiana.

10 Q Is that in the Iota city limits?

11 A No, sir.

12 Q Detective Fruge, I want to ask you a few
13 background questions before I actually
14 get into the questions. I want to ask
15 you about the dates I mentioned.

16 What is your date of birth,
17 please, and where were you born?

18 A 10/30/1967. I was born in Rayne, Louisiana.

19 Q Are you a resident of Acadia Parish your
20 entire life?

21 A Except for about -- well, no, I have three
22 years in the military.

23 Q Okay.

24 A And then a year and a half with the U.S.
25 Marshal's office. Three years in the

1 military between Georgia and Fort Polk,
2 Louisiana.

3 Q Okay.

4 A A year and a half I was stationed with the
5 U.S. Marshals in Pineville, Louisiana.

6 Q Can you tell me, did you graduate from high
7 school here in this parish?

8 A Crowley High School, 1986.

9 Q And from 1986, you joined the military?

10 A From '86 to '89.

11 Q Okay.

12 A U.S. Army.

13 Q Okay.

14 A From 1989 to 1995, Acadia Parish Sheriff's
15 Office.

16 Q Okay.

17 A 1995 to the beginning of '97, United States
18 Marshals, air operations, Pineville,
19 Louisiana.

20 Q Air operations?

21 A Yes, sir.

22 Q Then you came back?

23 A Came back to the Acadia Parish Sheriff's
24 Office in 1997.

25 Q And you have been here since that time?

1 A Since then.

2 Q Let me ask you just a few questions about '89
3 to '95, when you were with the Sheriff's
4 office, what was your job at that time?

5 A When I started in '89 I started in dispatch.

6 Q Okay.

7 A I believe I worked two years in dispatch and
8 then moved to the road, became a
9 patrolman.

10 Q Okay.

11 A Until I left in '95.

12 Q Did you ever work in the jail?

13 A Yes, sir.

14 Q Let's see --

15 A When I came back in 1997 I was assigned to the
16 jail.

17 Q I'm sorry. But the question, though, I meant
18 was before you left in '95, you never
19 worked in the jail, right?

20 A No, sir.

21 Q And when you worked for the U.S. Marshals,
22 what exactly did you do for them?

23 A I was assigned to the air operations,
24 transport prisoners by air.

25 Q Why did you leave that job?

9

1 A President Clinton cut the budget.

2 Q So you no longer had a job, your job was cut?

3 A Well, the job wasn't cut; the hours were cut.

4 and I couldn't live on what we were
5 making.

6 Q So you came back to the Sheriff's office?

7 A Yes, sir.

8 Q And when you came back to the Sheriff's
9 office, what did you do?

10 A I started back in corrections. I was a
11 jailor.

12 Q And how long did you do that?

13 A Two years.

14 Q So that brings us to 1999, is that right,
15 about '99?

16 A Yes, sir.

17 Q What did you do after that?

18 A I was assigned back to the road as a
19 patrolman.

20 Q Okay.

21 A Then I went to what's called an SRO program,
22 school resource officer.

23 Q What is that?

24 A We had deputy sheriffs in our high schools.

25 Q Is that what you did, you were in the high

10

1 schools?

2 A Yes, sir, from '99 until -- I did it for four

3 years, so '99 until '03.

4 Q You went to one particular high school or just

5 --

6 A I was assigned to Rayne High School, but we'd

7 go to any school that needed our

8 presence.

9 Q And in 2003 you changed jobs or you were still

10 with Acadia Parish but did a different

11 thing?

12 A Yes, sir, the grant money ran out for that

13 project, so I was assigned back to the

14 road.

15 Q You became a detective, right in -- what year

16 was that?

17 A '05.

18 Q Do you know what month in '05?

19 A Yes, sir.

20 Q When was it?

21 A June.

22 Q And are you still a detective?

23 A Yes, sir.

24 Q So you have been a detective since June of '05

25 to the present?

11

1 A Yes, sir.

2 Q Okay. That kind of brings us up to date.

3 Are you "pro certified"?

4 A Yes, sir.

5 Q When did you become pro certified?

6 A 1991 -- '90 or '91.

7 Q So you went to the Acadia Parish Sheriff's law

8 enforcement school; is that what they call

9 it?

10 A Acadiana law enforcement at USL. It was back

11 when it was USL. It was on the campus of

12 UL.

13 Q What I need to talk to you about is your

14 contact with Willis Loviere.

15 A Okay.

16 Q Let me just ask you when is the first time you

17 ever recall seeing Willis Loviere?

18 A Up until the 12th, I hadn't really -- until he

19 had -- until this confrontation started,

20 I hadn't really thought I had ever seen

21 him until I remembered seeing him at his

22 stepbrother's house, Colo Dietz, when we

23 were called out there one evening in

24 reference to a fight.

25 I guess that was probably -- I

12

1 don't know, eight months to a year
2 before.

3 Q Where did Colo Dietz live?

4 A Evangeline Highway. I don't know the address.
5 That's where he still lives.

6 Q Do you remember what the nature of that
7 disturbance was out there?

8 A A fight between the neighbors.

9 Q Do you recall during that altercation that
10 there was a gun allegedly pulled?

11 A It was mentioned, yes, sir.

12 Q And do you recall Willis Louviere being there
13 at that time?

14 A Yes, sir.

15 Q Was he involved in it?

16 A No, sir.

17 Q Did he -- did he or anyone ask you to search
18 the truck to see if there was a gun in it?

19 A Someone mentioned it, yes, sir.

20 Q You don't remember who it was?

21 A No, sir. There was a lot of people out there.
22 Q Did you check the truck?

23 A I checked with Jarrett Frye, who was out there
24 at the incident, who was one of our
25 reserve deputies.

1 Q Okay.

2 A Also out there was at the time -- I don't
3 remember his name, was the chief of
4 police from the Mermentau Police
5 Department.

6 Q Okay. Educate me on where Mermentau is. I
7 can't recall right at this moment. Where
8 is Mermentau?

9 A In between Midland and Jennings.

10 Q And Midland is what, east of here or west of
11 here?

12 A West.

13 Q Do you remember what that man's name was?

14 A No, sir, I don't.

15 Q Jarrett Frye was a reserve deputy that was on
16 the scene?

17 A Yes, sir.

18 Q And you are saying also that the Mermentau
19 chief of police was there?

20 A Yes, sir.

21 Q Which one of the Dietzes were involved in the
22 altercation?

23 A Colo Dietz and his wife, Shelly.

24 Q And was anyone arrested as a result of that?

25 A Yes, sir.

1 Q Who was arrested?

2 A Mr. and Mrs. Dietz, Shelly and Colo.

3 Q Now, I think you mentioned or at least I asked
4 you and I think you said yes but I just
5 want to make sure I get the question
6 straight -- make sure you understand what
7 I'm asking.

8 You are saying someone did tell
9 you there was a gun involved?

10 A Yes, sir.

11 Q Was this one of the Dietzes that told you that?

12 A It was at the Dietz's residence.

13 Q Do you recall whether you searched the truck
14 that was out there to determine whether
15 there was a gun?

16 A No, sir, we did not search the truck.

17 MR. BAROUSSE:

18 Let me turn on the air conditioning.

19 MR. MCKAY:

20 Sure.

21 (RECESS)

22 EXAMINATION BY MR. MCKAY:

23 Q Do you recall telling anyone that you did
24 search the truck?

25 A No, sir.

15
1 Q Do you know of any officer out there, either a
2 reserve deputy, a regular deputy, or
3 anybody from the Mermentau police chief
4 or police officer that searched that
5 truck?
6 A No, sir.
7 Q Did anyone ever tell you there was a complaint
8 made by Willis Louviere as a result of
9 the fact that you didn't search the
10 truck?
11 A No, sir.
12 Q No one told you that?
13 A No, sir, except for Mr. Louviere, the day he
14 confronted me.
15 Q How is an internal affairs complaint handled?
16 A (No reply)
17 Q In other words, if someone made a complaint
18 against a deputy back in 2004, December
19 of 2004, how would you understand it would
20 be handed?
21 A Tell you the honest truth, I don't know.
22 Q Okay. Do you know as we sit here today, who a
23 complaint should be made to if there was
24 an internal affairs complaint?
25 A To the department.

16
1 Q Would you expect that there would be a writing
2 or something that was put in writing, if
3 such a complaint was made?

4 A Yes, sir.

5 Q And your testimony today is no one ever told
6 you that such a written complaint was
7 made?

8 A No, sir.

9 Q If you had to guess -- well, let me ask you
10 this because I know your lawyer is going
11 to object.

12 But in your experience as a
13 deputy, if an internal affairs complaint
14 had been made against you, who would you
15 expect to have contacted you, if a
16 complaint had been made?

17 A I guess either the sheriff or the chief
18 deputy.

19 Q What's the chief deputy's name?

20 A Right now it's Walter Harrington.

21 Q Would you expect to have heard from a man
22 named Latiolais?

23 A Major Latiolais, yes, sir.

24 Q Major Latiolais.

25 A (Nods head)

17

1 Q What is his job?

2 A He's -- he's got several. I mean he does our
3 internal affairs.

4 Q Okay.

5 A Also he's involved with our communications
6 department and several other things.

7 Q Now, was he in charge of internal affairs back
8 at that time?

9 A I have no idea.

10 Q I want to show you something, and I'm going to
11 ask you if you -- I'll show it to your
12 attorney before I show it to you. (Hands
13 document to counsel)

14 MR. MCKAY:

15 Just look at it a minute before we get
16 into it. I want to give you a chance to
17 read it.

18 THE WITNESS:

19 (Witness complies)

20 EXAMINATION BY MR. MCKAY:

21 Q Have you ever seen that before?

22 A No, sir.

23 MR. MCKAY:

24 I want to mark this as -- for the
25 purposes of -- he can't recognize -- I

18
mean he hasn't seen it before but I want
to mark it as Fruge number 1 for the
record.

(EXHIBIT 1 IDENTIFIED)

MR. MCKAY:

In any case it's a part of the Acadia
Parish Sheriff's records.

THE WITNESS:

Okay.

EXAMINATION BY MR. MCKAY:

Q Let me ask you this, officer: Have you ever
had an internal affairs complaint filed
other than this one appears to be?

A Not that I'm aware of.

Q Do you know of any other officer that has ever
had one, like a Sheriff's deputy?

A I'm sure -- I mean.

Q Have you ever seen any documents that were
produced as a result of an internal affairs
investigation where the officer received
a notice of the complaint?

A Not that I'm aware, no.

Q Would it be fair to say that the Sheriff never
talked to you about this written
complaint?

1 A Yes, sir.

2 Q He did?

3 A No, sir.

4 Q I'm sorry. Let's make sure we are on the same
5 page.

6 Neither did the chief criminal
7 deputy -- that is what you call him or
8 the --

9 A Right.

10 Q You never heard from him about this?

11 A No, sir.

12 Q And you never heard from Major Latiolais about
13 this?

14 A No, sir.

15 Q You have seen this and -- it says that on
16 November 23 -- then it's got December 3
17 -- it was an incident that happened on
18 December 3, where he said that you were
19 not telling the truth. That's why he
20 filed charges against you.

21 You never heard anything about
22 that?

23 A No, sir.

24 Q Okay.

25 A Not that I remember.

20

1 Q And he's saying that something happened on
2 November 23. Do you know of your own
3 memory what day this incident happened
4 with Colo?

5 A Oh, no, sir.

6 Q This says it's Jesse Dietz. Jesse Dietz is not
7 Colo, is it?

8 A I think Colo Dietz is Larry Dietz.

9 Q It says in this statement that Casey Ward was
10 involved in this. Do you know Casey
11 Ward?

12 A If I remember correctly, Casey Ward is a
13 neighbor of the Dietzes.

14 Q And evidently someone said that George Trumps
15 had pulled a pistol on Louviere's brother
16 Larry. Do you remember that statement?

17 A Right. Mr. Trumps was at the neighbor's house
18 next to the Dietzes.

19 Q Okay.

20 A When I was called out there, I was -- we got
21 both sides of the story. I checked with
22 the chief of Mermentau who was there
23 basically from the start.

24 I checked with Mr. Frye who was
25 with Mr. Trumps. And I asked those two

21
1 if there was any type -- after I was told
2 about the weapon, I asked them if any
3 weapon was drawn. They said no, it
4 wasn't. These are two law enforcement
5 officers, okay.

6 At the end of finding out
7 everything, it was determined that both
8 Mr. Dietz and Mrs. Dietz crossed into
9 these people's yard and started fighting.

10 Q Okay.

11 A So in turn they were arrested.

12 Q It said that Larry told you -- this is what it
13 says -- that Trumps had pulled out a gun.
14 Do you recall that as being true?

15 A I don't remember who told me about the gun.

16 Q Okay.

17 A I know I was told about a gun and I was at Mr.
18 Dietz's house.

19 Q Did someone tell you that Trumps had pointed
20 at the Dietzes?

21 A I don't recall that.

22 Q Do you recall telling anyone that you would
23 check for the gun later?

24 A No, sir, I don't.

25 Q And do you recall checking for the gun? I

1 22
2 don't think that's the same question.
3 A I stated already I didn't check for the gun.
4 Q All right. If you had found a gun, would you
5 have arrested anyone else?
6 MR. BAROUSSE:
7 I object to the question. He said he
8 didn't search for the gun.
9 MR. MCKAY:
10 I understand.
11 MR. BAROUSSE:
12 I'm going to object and I'm going to
13 instruct him not to answer.
14 MR. MCKAY:
15 I'll change the question.
16 EXAMINATION BY MR. MCKAY:
17 Q If there had been a gun and it had been
18 pointed at someone -- you were told that
19 it had been pointed at someone and you
20 were told that it was in a truck and you
21 had searched the truck and found it,
22 would you have made an arrest on the
23 person that was allegedly pointing the
24 gun?
25 A If I had enough evidence to back that up, yes,
 sir.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25
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1 Q December 6, 2004, who was the Sheriff?

2 A December?

3 Q 6th of 2004.

4 A Sheriff Melancon had just taken office not
5 long before that.

6 Q Now, let me go forward from there.

7 A Yes, sir.

8 MR. MCKAY:

9 This is Louviere coming in. Just come
10 sit over here.

11 EXAMINATION BY MR. MCKAY:

12 Q Detective, can you tell me what you recall you
13 were doing on August 12, 2005? Do you
14 remember that day?

15 A Oh, yes.

16 Q What were you doing?

17 A Cutting rice.

18 Q What property were you cutting rice on?

19 A Mr. Clement's property. I'm not sure of his
20 first name. It's Jeff's dad.

21 Q Can you tell me basically what highways and
22 roads you were near?

23 A Lemle and Tulip. Both of them are roads. No
24 highways.

25 Q And now that -- do you know where Rose Louviere

25

1 lives? Do you know where he lives?

2 A Now I do, yes, sir.

3 Q And how far would you have been from his
4 house?

5 A About half a mile.

6 Q Who else was there with you cutting rice on
7 that day, on August 12, 2005?

8 A Zan Dupre and Adam Dupre.

9 Q Do they work for you?

10 A No, sir. I was actually working for them on
11 my days off.

12 Q And was actually someone cutting in the field
13 when Louviere came up that day?

14 A I think we were finishing up.

15 Q And how did he approach you? Was he riding
16 something?

17 A He was riding a 4-wheeler, yes, sir.

18 Q What time of day was it?

19 A It was late in the evening.

20 Q Okay.

21 A I don't remember the exact time.

22 Q But it was before dark?

23 A Yes, sir.

24 Q Tell me what happened as best you recall.

25 A I had just -- I think I just parked the rice

26

1 truck and moved over to where we were
2 going to park the equipment for the
3 evening. A guy drove up on a 4-wheeler,
4 and we started talking, you know, a
5 general conversation.

6 Q Okay.

7 A And I'm not sure how long that went on -- for
8 a little while.

9 Q Nothing confrontational?

10 A No, sir, no, sir. Two strangers meeting and
11 having a conversation over what's taking
12 place during the day.

13 Q Okay.

14 A At some point in there I believe Mr. Louviere
15 asked me if I was Dennis or Fruge and I
16 said yes. Then he stated he had charges
17 against me at the DA's office. I believe
18 I told him, you know, I didn't hear of
19 any such charges at the DA's office. At
20 that point he just became I guess
21 agitated and you know, I could see he was
22 getting upset. So I said, "Look one of us
23 has got to leave," and Mr. Louviere left.
24 Q Okay. Now, how did he become agitated? What
25 did you see that made you believe he was

1 agitated?

2 A Something about a gun I didn't take. And at
3 that point, you know, I still didn't
4 recognize him. Still didn't know who he
5 was. Once he told me about the gun and
6 Evangeline, then I recognized his face
7 but I still didn't know his name.

8 Q Okay. Now, did he curse you on that occasion?

9 A No, sir, I don't believe he did.

10 Q And you didn't do that either; is that
11 correct?

12 A No, sir. It didn't last very long once he
13 became upset.

14 Q When you -- how far were you from your truck?

15 A My truck wasn't there.

16 Q Your truck wasn't there?

17 A No, sir.

18 Q Was there any truck there?

19 A I think the truck was parked on the other side
20 of the property, where we had actually
21 cut rice.

22 Q What were you driving then?

23 A A rice truck.

24 Q Did you have any type of gun or rifle or
25 anything in your truck?

1 A In the rice truck?

2 Q Right.

3 A No, sir.

4 Q You were not armed?

5 A No, sir.

6 Q And you were not in a position to be armed
7 immediately?

8 A No, sir.

9 Q And you told him to leave?

10 A I think I had said one of us needs to leave
11 and Mr. Louviere agreed, and he left.

12 Q Would you agree that you ordered him to leave?
13 A I wouldn't call it an order, no, sir.

14 Q Now, as a result of that confrontation in the
15 rice field, did you make any phone calls
16 to anybody that night?

17 A No, sir.

18 Q So no one was notified from the Sheriff's
19 office?

20 A No, sir.

21 Q Now, the next day we know that there was
22 another confrontation?

23 A Yes, sir.

24 Q And where did that confrontation take place?

25 A Tulip Road, right just -- just north of the

29

1 Clement property or almost at the end of
2 the Clement property.

3 Q And what was Louviere on that day?

4 A 4-wheeler.

5 Q The same 4-wheeler it appeared to be?

6 A Yes, sir.

7 Q And what kind of vehicle were you in?

8 A I don't know. It was a 2005, 2006 Chevrolet
9 pickup truck.

10 Q And what color was it?

11 A Gray, King cab, 4-wheel drive.

12 Q Now, you were on what highway or road?

13 A Tulip Road.

14 Q So Tulip Road. And is that a paved road?

15 A Yes, sir.

16 Q And which direction would you have been
17 heading?

18 A North.

19 Q So he's coming south?

20 A South.

21 Q On Tulip Road?

22 A Yes, sir.

23 Q At this time how far would you be from his
24 house now that you know where it is?

25 A Basically about a half mile. We are still

30
basically in the same property area. We
just left from that farm.

Q How far from where the first confrontation
took place was it to the second
confrontation?

A No further than fifty yards.

Q Now, when he pulled up to you -- just tell me
what you remember about him coming to see
you that day or meeting you on the road?
A We left -- Adam left with the tractor and the
rice cart. I left in the pickup truck
pulling the fuel tank.

We got on the road -- Mr.

Louviere comes around the rice cart on
the 4-wheeler, flags me down. I'm just
every day going about my business. I
rolled down the window. He get off
the bike and starts screaming, yelling and
cursing at me, and asking me to get out the
truck so he can kick my fucking ass. I had
at the time my 9-year old stepson with me.

Q And what is his name?

A Ray Gene????

Q Now, did he have anything in his hands?

A No, sir.

31

1 Q First of all he flagged you down?

2 A Yes, sir.

3 Q With his right hand, left hand, if you recall?

4 A That would be his left hand.

5 Q Is he right across from your window?

6 A He's coming directly. We are going to pass.

7 Q When you stopped or when both of you stopped,
8 how close were you?

9 A From me to you.

10 Q So we are maybe four feet away?

11 A (Nods head)

12 Q You and he were about four feet away?

13 A About, take a foot or two.

14 Q And he had got off of the bike?

15 A Yes, sir.

16 Q You stayed in the truck?

17 A Yes, sir.

18 Q Your truck is still running?

19 A Yes, sir.

20 Q And what's the first thing that was said?

21 A I think Mr. Louviere mentioned for me to get
22 out of the fucking truck.

23 Q And then did you say anything to him?

24 A Well, he said a few more words after that.

25 Q You never said anything?

1 A Until he finished.

2 Q Okay. Tell me what all he said.

3 A He got off, he stood in front of the bike by a
4 stick that was sitting on I guess it's a
5 gun rack or whatever on his 4-wheeler. He
6 is screaming at me to get out the fucking
7 truck, "I'm going to kick your fucking
8 ass, you smart mouth" -- whatever he said.

9 And once he finished I told him I
10 didn't have time for this and I left.

11 Q He called you a smart mouth?

12 A Yes, something to that effect.

13 Q Did you say anything to him?

14 A I believe the only words I said to him was I
15 didn't have time for this.

16 Q Now, were you armed that day?

17 A No, sir.

18 Q You had no gun in the vehicle?

19 A No, sir.

20 Q And no gun on your person?

21 A No, sir.

22 Q Your testimony, then, would be that the only
23 thing you said was, "I don't have time for
24 this"?

25 A I believe that's what I said.

33
Q And you are sure that he used the word "fucking"

1
2 on several occasions?

3 A Yes, sir.

4 Q And you definitely know he used the word "ass"?

5 A Yes, sir.

6 Q Now, when you pulled away, where did you go?

7 A Back to the farm.

8 Q Let me just ask the next question first.

9 What time of day was this?

10 A That had to be around lunchtime maybe, midday.

11 Q So you think it was around lunch, probably?

12 A Yes, sir.

13 Q And between what happened on the afternoon of

14 August 12, around dusk and lunchtime you

15 never contacted anybody and said, "I'm

16 having problems with somebody," right?

17 A You talking about law enforcement?

18 Q Right, law enforcement.

19 A No, I didn't.

20 Q Did you talk to anybody else beside law
21 enforcement?

22 A Well, I talked to Zan and them guys that were
23 with me.

24 Q Okay.

25 A Told them about the confrontation me and Mr.

1 Louviere had.

2 Q The night before?

3 A Yes.

4 Q Did they hear the confrontation?

5 A I don't believe. One was on a tractor and one
6 was on the combine.

7 Q Now it's around lunchtime. You said "I don't
8 have time for this," and you pulled off?

9 A Yes, sir.

10 Q He didn't follow you, did he?

11 A No, sir.

12 Q Do you know where he went?

13 A No, sir.

14 Q You didn't look to see?

15 A No, sir.

16 Q At any time did he ever physically threaten
17 you with any kind of weapon like the
18 stick that you were talking about that was
19 on his 4-wheeler?

20 A No, sir. He never grabbed the stick or
21 anything but he stood right by it.

22 Q Now, at this time you know that this is the
23 man who is upset about the gun from the
24 night before; is that right?

25 A Yes, sir.

35

- 1 Q But you are telling me until that incident on
2 August 12, you didn't know anything about
3 anybody making a complaint?
- 4 A No.
- 5 Q You don't know anything about an internal
6 affairs complaint?
- 7 A No, sir, nobody advised me of an internal
8 affairs complaint.
- 9 Q Now, when you left that scene, where did you
10 go to?
- 11 A I went out to the Dupre farm -- somewhere
12 around there we was going to cut rice
13 again.
- 14 Q Did you have a telephone on you at that time?
- 15 A Yes, sir, I believe I did.
- 16 Q Did you call anybody and tell them about what
17 happened?
- 18 A Yes, sir, I called the Sheriff's office.
- 19 Q Who did you speak to?
- 20 A I don't remember.
- 21 Q Would it have been dispatch?
- 22 A Yes, sir.
- 23 Q The 911 is what I'm talking about.
- 24 A It's the dispatch center that I talked to.
- 25 Q In other words, you didn't talk to any

36

1 particular deputy?

2 A No, sir.

3 Q Was this your off-week or off-time or
4 off-weekend?

5 A I was off. Might have been my call day off
6 Friday and my weekend off Saturday and
7 Sunday. Or I had taken some time to help

8 Mr. Dupre on the farm.

9 Q Did you consider yourself to be a full-time
10 deputy or detective at that time?

11 A Twenty-four hours a day, seven days a week.

12 Q Now, if you had called 911, you would have
13 done it on a telephone or the radio?

14 A Telephone.

15 Q You wouldn't have had a radio in your truck?

16 A No, sir.

17 Q And what is the next thing you did? What's
18 the next time you were aware that there
19 was anything going on with this
20 particular incident?

21 A Well, I called and logged a formal complaint.

22 And then they sent a road unit
23 out to meet me. And we didn't go out to
24 the Dupre farm. We went out to the Nix
25 farm.

1 Q The Nix farm?

2 A (Nods head)

3 Q And where is the Nix farm?

4 A It's north of Iota, off of LA 9.

5 Q Is that fairly close to where he lives, where
6 Louviere lives?

7 A It's about four or five miles away.

8 Q Why did you go there?

9 A That's where we were cutting rice.

10 Q So the unit comes out to the Nix farm is what
11 you meant to say?

12 A Right. The unit came out and met me at the

13 Nix farm.

14 Q What unit was that?

15 A It was Sergeant Simon -- now Detective Simon.

16 Q And you did not talk to Simon directly before
17 he came out there?

18 A No, sir.

19 Q You told 911 that you were going to be at the
20 Nix farm?

21 A Yes, sir.

22 Q Do you know what time he got there?

23 A No, sir, I don't know exactly what time it was.

24 Q What road would that have been on?

25 A (No reply)

38

1 Q Do you know what road -- I see you thinking --

2 I'm sorry.

3 A I don't remember the name right offhand. If
4 you tell me the name I'll tell you if you
5 are right or wrong.

6 Q I don't know.

7 A Lejeune Cove Road.

8 Q Lejeune Cove Road?

9 A If I'm not mistaken.

10 Q Let me see if I can help you. Okay, I see the
11 Gotsco Road down here. Is that --

12 A No, sir.

13 Q That's not where it was?

14 A No, sir.

15 Q We know that the call letters of Sergeant
16 Simon at the time was 1304.

17 A Yes, sir.

18 Q Would you mind looking at this document -- I
19 don't know that we have ever identified
20 it, but it's been identified as a log of
21 the 911 calls that were made that day.

22 I'm going to show it to you and
23 ask if you could tell me by looking at
24 this -- it shows at 1223 he was at
25 Studebakers. Where is Studebakers, do

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1 you know?

2 A It's in Duson.

3 Q That's a restaurant?

4 A Yes, sir. Restaurant and truck stop.

5 Q Can you just look and tell me by looking at

6 that document, if you could tell where

7 1304 may have come to -- what road did

8 you call it?

9 A I think it's LeJeune Cove Road, but I'm --

10 it's Lejeune Cove.

11 Q You can flip to the next page if you want to.

12 I'm not trying to restrain you to that

13 one page. I'm just asking you to look

14 for it.

15 A What is it you want me to exactly look for?

16 Q Well, I'm trying to see if you can tell when

17 you may have met with Sergeant Simon.

18 A Well, it was at Studebakers.

19 Q Okay.

20 A At 1223.

21 Q Okay.

22 A Next thing on the log they are showing is the

23 1308 -- I mean 108, with his call number.

24 Q Okay. Well, let me ask you this question and
25 maybe you can stop looking a minute.

40

1 If he went like to LeJeune Cove

2 Road, would you expect there's something
3 in the 911 records that would show that?

4 A Yes, sir.

5 Q That's what I'm trying to do. If you can look
6 at that and just tell me when you think
7 you might have met with him on LeJeune
8 Cove Road.

9 A Well, it was in between Studebakers and this
10 car here, 1518.

11 Q Let me just come around if you don't mind.

12 Let me just see what you are talking
13 about.

14 A He's here at Studebakers.

15 Q At 1223?

16 A Yes.

17 Q Okay.

18 A He runs the license tag at 1308.

19 Q Okay.

20 A And I know this car showed up on LeJeune Cove
21 Road after --

22 Q All right.

23 A -- Sergeant Simon showed up with me on Lejeune
24 Cove Road.

25 Q Okay. All right. I understand what you are

41

1 saying. And that happened at 217, is
2 that right?

3 A Yes, sir.

4 Q 217 is when it shows that there's an officer
5 and 1518 is Yolanda Citizen?

6 A Right.

7 Q She's at Lejeune Cove Road. Is that where all
8 of you met?

9 A Yes, sir, that's where they met me.

10 Q All right. Now, did you get in the car with
11 Sergeant Simon?

12 A Yes, sir.

13 Q What did you tell him when he got there?

14 A I advised him as to what took place.

15 Q You told him about the incident the night
16 before?

17 A Yes, sir.

18 Q You told him about the incident that morning?

19 A Right.

20 Q Did you mention to him that there was an
21 alleged internal affairs complaint
22 against you?

23 A I may have mentioned that's what Mr. Louviere
24 told me on the 12th.

25 Q Now, did you ride with Simon to Louviere's

1 residence?

2 A First I rode with him back to Tulip Road to
3 see if we could find Mr. Louviere who I
4 still didn't know the name of at the
5 time.

6 Q Okay.

7 A From there we met a guy on a tractor up on
8 Lilly Road and asked him if he seen
9 somebody riding a green 4-wheeler around.
10 He said yes, he thought that might have
11 been Mr. Louviere, and he pointed us to
12 Mr. Louviere's residence.

13 Q And then was Yolanda Citizen following in
14 another vehicle?

15 A Yes, sir.

16 Q So you went from where you saw the man on the
17 tractor who gave you the information to
18 Louviere's house?

19 A Right.

20 Q Tell me what happened when you got there.

21 A Went to Mr. Louviere's house and no one was
22 home.

23 Q Okay. Now, when you went there, who got out
24 of the vehicles?

25 A All of us.

43

1 Q Okay. Now you were not in uniform, right?

2 A No, sir.

3 Q Was Sergeant Simon in uniform?

4 A Yes.

5 Q Was Yolanda Citizen in uniform?

6 A Yes, sir.

7 Q Then two police cars or two Sheriff deputy's
8 vehicles were there at the scene at his
9 house?

10 A Two deputy Sheriff's cars.

11 Q Do you know what time or how long it took
12 after -- we're taking what you said as
13 being about a correct time. But you are
14 saying at 2:17 p.m. Yolanda Citizen is at
15 Lejeune Cove. So that means to you that
16 all three of you were there at about the
17 same time?

18 A Yes, sir.

19 Q What does it mean when you are 1097?

20 A On the scene.

21 Q And her next entry is 1423. This is Yolanda
22 Citizen. Says she's 1008. What does that
23 mean?

24 A She's back in service. She's left that one
25 scene.

1 Q Go ahead.

2 A That's all.

3 MR. MCKAY:

4 If you need to take your call, we'll stop.

5 MR. BAROUSSE:

6 Whatever is a good time for you to stop.

7 I have about three minutes to 10:00. Is
8 that what you have?

9 MR. MCKAY:

10 I have three minutes to 10:00.

11 I'll just keep going until you
12 tell me you need to stop.

13 MR. BAROUSSE:

14 Okay.

15 EXAMINATION BY MR. MCKAY:

16 Q Now, officer, I see the next entry from
17 Sergeant Simon was at 256. And he's
18 saying he's 1098 from Iota. How does
19 that fit into your idea of what happened
20 that day? Do you know what that means,
21 1098 from Iota? Does that make any sense
22 to you?

23 A What that means to me is we are probably
24 finished. Mr. Louviere wasn't home. He
25 dropped me back at the rice field and

1 he's left.

2 Q But during that time, which we know to be from
3 2:17 p.m. until he makes that call at --
4 saying he's 1098 from Iota at 256, would
5 you believe that was a reasonable time
6 that you may have visited Louviere's home
7 with Yolanda Citizen and Simon?

8 A From 217 to 256.

9 Q Yes.

10 A Yes, sir.

11 MR. BAROUSSE:

12 Why don't we go ahead and take a break and
13 he can take the call.

14 MR. MCKAY:

15 Okay.

16 (Recess)

17 EXAMINATION BY MR. MCKAY:

18 Q Did Sergeant Simon drop you back at the Nix
19 farm?

20 A Yes, sir.

21 Q And during that time, you explained to
22 Sergeant Simon what happened while
23 you-all were riding around?

24 A Yes, sir.

25 Q What do you recall telling him?

1 A Exactly what I said earlier.

2 Q And what did he tell you, do you recall?

3 A No, sir. I know he asked me what I wanted
4 done.

5 Q Okay.

6 A And I told him all I wanted done was to go see
7 what the problem was and ask the man to
8 stay away from me.

9 Q And anytime that day, would you have been able
10 to call to find out whether a complaint
11 had been made against you? Was there any
12 way to find that out on a Saturday?

13 A Yes, sir.

14 Q Did you do that?

15 A No, sir. I had no reason to believe a complaint
16 was made against me.

17 Q If a claim had been made against you, you would
18 believe that someone would have advised
19 you of it; is that correct?

20 A If they had known about it, the patrol group
21 that was out that day, I believe they
22 would have told me about it.

23 Q Well, I mean in the time of this six or eight
24 months that had passed, you believe you
25 would have known about it?

1 A From the first time at Mr. Dietz's house, that⁴⁷
2 incident?
3 Q Right.
4 A I believe so.
5 Q Now, when you got back to the Nix farm, what
6 did you do, you just farmed for the rest
7 of the day?
8 A Yes, sir.
9 Q When you got out at the residence there on
10 Lilly Road where Louviere lived, did
11 you-all walk up to the house and knock on
12 it?
13 A Walked up to the house and knocked.
14 Q Are you armed at that time?
15 A No, sir.
16 Q Did you go back to the barn?
17 A Went to the barn to see if anybody was there.
18 Q Were there any cars there?
19 A I don't recall.
20 Q If there was a vehicle there, a car or a truck,
21 would you have taken the license number?
22 A More than likely, yes, sir.
23 Q At that point when you got to that house, did
24 you know who lived there?
25 A Up until I talked to the farmer, no, sir.

48

1 Q So the name you were given was what?

2 A I believe it was Willis Louviere.

3 Q Then when you were out at the Nix farm, did
4 you have access to a radio?

5 A No, sir.

6 Q How about a telephone?

7 A I believe I had my phone on me, yes, sir.

8 Q Did you talk to anybody on that telephone,
9 from the time that you were dropped off
10 at Nix Road, until after the altercation
11 took place on Lilly Road, where Simon
12 shot Louviere with a Tazer?

13 A (No reply)

14 Q You want me to repeat it?

15 A Yes, sir.

16 Q Do you recall talking to any law enforcement
17 officer or 911 after you were dropped off
18 at Lilly Road until after Louviere was
19 shot with a Tazer, let me say it that
20 way?

21 A From the time I was dropped back off until the
22 time of the confrontation between him and
23 Sergeant Simon took place, no, sir.

24 Q When was the next time that day that you
25 recall talking to anybody?

1 MR. BAROUSSE:

2 About --

3 EXAMINATION BY MR. MCKAY:

4 Q About this incident, about any of these
5 incidents.

6 A It would be well after Mr. Louviere had been
7 placed in jail. I was called and asked
8 to come in to give a statement as to what
9 took place.

10 Q Was it that day, that Saturday?

11 A Yes, sir.

12 Q Who called you to give a statement?

13 A I don't remember exactly who it was, whether
14 it be Detective Simon, Detective Gibson,
15 or one of the other guys. It might even
16 have been the 911 center that called.

17 Q Did you have the call number back at that
18 time?

19 A 1305.

20 Q 1305?

21 A (Nods head)

22 Q Okay. If someone had called you it would have
23 been on your telephone?

24 A Yes, sir.

25 Q What was the number on your telephone back then?

50

1 A It's the same one I have now.

2 Q Okay. What would that be?

3 A 581-2698.

4 Q 2698?

5 A Yes, sir.

6 Q Who provides service for you?

7 A The Sheriff's office.

8 Q So that would have been a private phone that
9 you had on you?

10 A Yes.

11 Q Who provided the service for the Sheriff's
12 office back in 2005?

13 A You have to ask the Sheriff's office. We
14 changed a couple of times since then.

15 Q It's not -- okay.

16 A Cingular, Centennial? I know we are Nextel
17 now.

18 Q Okay.

19 A I don't believe we had Nextel at the time but
20 I'm not sure.

21 Q So what time did you get down to the Sheriff's
22 office to give a statement?

23 A I don't remember the time of day. It was in
24 the evening.

25 Q Was it after dark?

51

- 1 A No, sir.
- 2 Q Before dark?
- 3 A Yes, sir.
- 4 Q Okay.
- 5 A In fact I had to leave from cutting rice to
- 6 go.
- 7 Q Now, when you got here to the courthouse
- 8 circle, Louviere would have already been
- 9 in jail?
- 10 A Yes, sir.
- 11 Q If I told you that the records appear to show
- 12 that that was at five o'clock, what time
- 13 would you say -- it was after that time?
- 14 A Right around. Had to be close to that time.
- 15 Q Would the Sheriff's office have records that
- 16 would indicate when you may have received
- 17 the phone call?
- 18 A When I was cutting rice I received the phone
- 19 call to come in.
- 20 Q Right.
- 21 A I don't know. I don't remember who called me
- 22 to come in. So if it wasn't the
- 23 dispatcher, it's not going to be on a
- 24 recorded line.
- 25 Q Now, let me ask you, at the time that this

52

1 incident happened on August 12, at dusk,
2 did you get upset about it?

3 A Upset as in --

4 Q I mean were you mad? Were you agitated?

5 A I mean I was a little agitated at, you know,
6 what took place.

7 Q What about what happened the day before -- I
8 mean the day after, around lunchtime, you
9 think, on the 13th: did that get you
10 upset?

11 A Yes, sir.

12 Q And that's when you made the phone call?

13 A Yes, sir.

14 Q Okay. And were you still upset when you went
15 to his house?

16 A No, sir.

17 Q You weren't upset?

18 A If you asking if I was looking for a
19 confrontation, no.

20 Q Okay.

21 A Okay. All I did -- the Friday was a
22 misunderstanding, as far as I'm concerned.

23 Q Okay.

24 A Okay, Saturday was a little bit worse because
25 I had my nine year-old stepson with me,

53

1 okay.

2 Q All right.

3 A In between that I didn't go to Mr. Louviere's
4 house to have a confrontation. I went to
5 Mr. Louviere's house to work things out.

6 Q Do you understand that to have been proper
7 procedure for a victim to have gone to
8 the offender's house?

9 A Well, I don't know if it's proper procedure
10 for me to drive a victim around, but I'm
11 a law enforcement officer.

12 Q And so you don't think there was anything
13 incorrect about that?

14 A No, sir.

15 Q Okay.

16 A Mr. Louviere knew I was a law enforcement
17 officer.

18 Q And had your blood cooled before you went out
19 to the house?

20 A Yes, sir.

21 Q When you came in to give the statement to Chad
22 Gibson, had your blood cooled?

23 A Yes, sir.

24 Q You were not upset and you were not mad?

25 A I was upset.

54

1 Q Did you make any comments to Chad Gibson about
2 being upset?

3 A No, sir. I came in and wrote my statement and
4 left.

5 Q Okay. Were you there when Sergeant Simon
6 wrote his statement?

7 A I don't recall him writing a statement at that
8 time.

9 Q Do you recall anybody telling you that

10 Louviere had allegedly lunged at Simon in
11 the annex?

12 A I think that was mentioned in the annex.

13 Q Did anyone tell you that Louviere's head was
14 beat on the floor?

15 A No, sir.

16 Q Did anybody tell you he was pulled out of his
17 chair?

18 A No, sir.

19 Q Did anybody tell you that someone punched him
20 on the side of the head?

21 A No, sir. I'm not trying to duck your
22 questions.

23 Q I'm asking you if someone told you that.

24 A But whenever I went in there, there wasn't a
25 whole lot of people in there.

1 Q Okay. Well, I guess --

2 A I was in there after the fact of whatever you
3 are saying took place. I'm not trying to
4 take anything for Mr. Louviere or you,
5 but there's not a whole lot of people when
6 I went in. There might have been one or
7 two people. I think Detective Gibson was
8 on his way out the door and Detective
9 Simon was in there and I don't recall very
10 many other people.

11 Q Now, let me just ask you this. The questions I
12 asked about his having his head beaten on
13 the floor, punched in the side of the
14 face or neck, and someone grabbing him
15 around the neck -- as we sit here today,
16 has anyone ever told you that that
17 happened in the annex when he was brought
18 in?

19 A No, sir.

20 Q You did know he was Tazered, though?

21 A Yes, sir.

22 Q When you saw Simon -- when you came in and
23 signed your statement, did you actually
24 look at him and talk to him?

25 A I might have said a few words, not much.

1 Q Was he upset?

2 A He was doing paperwork at the time.

3 Q So are you saying you don't know or --

4 A I don't know if he was upset.

5 Q But he never said anything to you?

6 A No, sir, not more than hi, bye -- maybe

7 Detective Gibson needs you to give him a
8 statement as soon as you are finished, or
9 something like that.

10 Q Okay. When you worked in corrections, was a
11 person that was brought in there allowed
12 to use the telephone?

13 A Yes, sir, at some point they would have a
14 phone call.

15 Q And if they came in and they were acting in a
16 calm manner and were not aggressive,
17 would they be allowed a telephone call
18 right away?

19 A Depends on what I was doing.

20 Q Okay.

21 A Depends on where they came in and the routine
22 of what was going on upstairs.

23 Q Now, you knew that they put Louviere in cell
24 five which is isolation, didn't you?

25 A No, sir.

57

1 Q You didn't know that?

2 A No, not until Mr. Louviere asked to see me.

3 Q Were you aware at the time that you saw him he
4 had not been able to make a phone call?

5 A No, sir.

6 Q You knew he was in cell five when you went to
7 see him?

8 A That's what he told me, yes.

9 Q Now, we understand that Chad Gibson and Major
10 Latiolais went to see him on that Monday.

11 Did you ask them to go see him?

12 A No, sir. I asked Mr. -- did I ask Mr.

13 Latiolais and Detective Gibson to go see
14 him?

15 Q Right.

16 A I think I asked if anybody seen him to see
17 what his intentions were.

18 Q Did you ask them to go and see what his
19 intentions were?

20 A I don't know if I asked specifically or not.

21 Q Did you know they went to see him?

22 A Yes, sir, because they told me afterwards that
23 Mr. Louviere requested me to go see him.

24 Q Did they tell you what they talked about?

25 A No, sir.

58

1 Q Did they tell you that Louviere had apologized
2 to you through them?

3 A I don't remember.

4 Q Now, you went and saw him with Vince Conde; is
5 that right?

6 A Yes, sir.

7 Q How did you happen to see him with Vince

8 Conde?

9 A No, sir, I asked Mr. Conde to come with me.

10 Q Now, your testimony is that Louviere asked to
11 see you?

12 A Yes, sir.

13 Q Now, again, you are a victim and a police
14 officer and he is an offender.

15 MR. BAROUSSE:

16 Let's not argue with the witness.

17 MR. MCKAY:

18 I'm not arguing. I'm asking him to
19 just assume those facts.

20 EXAMINATION BY MR. MCKAY:

21 Q Those are true, aren't they?

22 A What's that again?

23 Q You were a police officer and a victim?

24 A Yes, sir.

25 Q And he was an offender?

1 A Yes, sir.

2 Q Was that proper procedure for you to go and
3 talk to him?

4 A I --

5 Q In the jail?

6 A I mean he requested I go see him. I have no
7 problem with it.

8 Q And what was said during that conversation?

9 A We had a very peaceful conversation. Mr.

10 Louviere apologized for what took place.

11 I believe I stated to Mr. Louviere that I
12 did accept his apology. He even invited
13 me and my stepson to his house. He
14 wanted to apologize to my stepson.

15 Q Okay.

16 A We talked about his grandson and my stepson
17 are friends, they attend the same school.

18 I mean it was real peaceful.

19 He stated he was on medicine and
20 I think couldn't afford it anymore and he
21 was off his medicine and this shouldn't
22 have never happened.

23 Q Now, you found out when you got there he was
24 still in the isolation cell, right?

25 A I think he was still in the isolation cell.

60

I'm not sure. I walked into the room before Mr. Louviere, and Mr. Louviere came in after me.

Q And --

A I mean Mr. Louviere did tell me he was in isolation.

Q And was there anything about him that you observed at that point, that would have required him to be in an isolation cell.

A At that point, no, sir.

Q And were you aware that right after you talked to him, he was taken out of that cell?

A No, sir, not aware.

Q Were you aware that right after you talked to him, he was given his first phone call?

A No, sir.

Q Officer, was it necessary -- let me ask you this. Let me see if I can ask it the right way.

Did you require an apology from Mr. Louviere before he could be taken out of that cell?

A No, sir.

Q Did you require an apology from him before he could make a phone call?

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- 1 A No, sir. I would have never spoken to Mr.
2 Louviere if he wouldn't have asked to see
3 me.
- 4 Q Now, did you talk to the judge, Judge Earls
5 about this case?
- 6 A No, sir.
- 7 Q Do you know who did?
- 8 A No, sir.
- 9 Q Do you know a charge of intimidation of an
10 officer was arrived at in this case?
- 11 A No, sir. I didn't work the case. I didn't
12 work the charges. I was a law
13 enforcement victim.
- 14 Q You were a detective at the time, though,
15 right?
- 16 A I believe so, yes, sir.
- 17 Q You had no input into him being charged with
18 public intimidation of a police officer?
- 19 A I gave my statement, okay, as to what took
20 place.
- 21 Q Okay.
- 22 A And that's as far as I went with it.
- 23 Q Now, had you ever charged anybody with public
24 intimidation of a police officer before
25 this -- I mean had you personally -- I'm

62

1 not saying you did it this time. I'm
2 saying had you ever done it before?

3 A I'm sure I did in 17 years of law enforcement.

4 Q Do you recall any one particular incident?

5 A No, sir.

6 Q Have you ever done it since?

7 A No, sir.

8 Q Do you know of anybody in your department
9 that's ever made that charge?

10 A Not offhand.

11 Q And you knew the district attorney dropped
12 those charges; is that right?

13 A No, sir.

14 Q You didn't know that?

15 A (Shakes head)

16 Q When this thing came up for court, did you
17 appear as a witness?

18 A Yes, sir.

19 Q You were there every time?

20 A If not every time, most of the time.

21 Q And you wanted him to plead to at least three
22 of the four charges against him; is that
23 right?

24 A I never said to anybody what he needed to plead
25 to.

1 Q No one ever asked you?

2 A No, sir.

3 Q Okay. Now did you, after he apologized to you
4 in the jail, did you still want to
5 maintain the public intimidation charge
6 against him?

7 A The apology was from man to man.

8 Q Okay.

9 A And I believe it was heartfelt, all right, and
10 I accepted it.

11 Now the charges are charges.

12 Q That's what I'm asking you. Then you did want
13 to maintain those charges?

14 A Oh, yes, sir.

15 Q And you knew that was a felony?

16 A Yes, I guess.

17 Q Did you understand that Mr. Louviere was upset
18 on that Saturday morning because of the
19 way you asked him to leave the night
20 before?

21 A I believe he made mention something about me
22 being a smart ass or something like that.

23 Q Now, officer, when you were in that cell with
24 him and you saw him --

25 A I didn't say I was in the cell with him.

1 Q Where were you?

2 A We was in the medic room.

3 MR. MCKAY:

4 I apologize and I knew it. I misstated
5 it.

6 EXAMINATION BY MR. MCKAY:

7 Q When you were in the medic room, do you recall
8 ever telling him that you had a gun that
9 you were going to get, that you were
10 reaching for on the afternoon of the
11 12th?

12 A No, sir.

13 Q Now he --

14 A Because I -- there was no guns on either day.

15 Q And your testimony is you did not have a
16 shotgun, either?

17 A No, sir.

18 Q And you --

19 A The shotgun was on the combine and the rifle
20 was in the tractor.

21 Q Now, did you tell him when you saw him in the
22 medic's office on that day that you saw
23 him which was a Monday, the 14th --
24 excuse me, the 15th of August, that you
25 were going for a gun or a shotgun if he

65

1 hadn't left that day?

2 A No, sir.

3 Q And you didn't have one at that point?

4 A No, sir.

5 Q And officer, are you sure you were not in a
6 pickup truck as opposed to a rice truck,
7 at the time this incident happened?

8 MR. BAROUSSE:

9 Which incident?

10 MR. MCKAY:

11 August 12. Excuse me, I'm sorry.

12 THE WITNESS:

13 I drove a rice truck all day long. A
14 blue one and an orange one.

15 EXAMINATION BY MR. MCKAY:

16 Q Just answer me yes or no.

17 A No. From what I can recall is that the pickup
18 truck was sitting three or four blocks
19 from us.

20 Q Okay.

21 A At another field entrance. I was over with
22 the fuel tank and where we were going to
23 park the combine and the tractor.

24 Q All right. When you were in the cell with --
25 I'm sorry, in the medic's office with

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P. O. BOX 3149 LAFAYETTE, LOUISIANA 70502

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1 Louviere and Conde, did Conde say
2 anything?

3 A Mr. Conde just sat and listened. And as we
4 talked, I think maybe him and Mr.

5 Louviere may have talked about a few
6 things, but I don't recall.

7 Q Did he give him a medical exam on that day?

8 A I have no idea.

9 Q Did you have any conversation with Conde
10 before Louviere got in there to talk to
11 you?

12 A No.

13 Q Okay.

14 A I think I found Vince downstairs and asked him
15 to come with me. I told him Mr.

16 Louviere requested for me to go see him. I
17 just wanted to have somebody else in the
18 room with us.

19 Q Okay. Now, you are sure that the reason you
20 went up there was because you say that

21 Louviere requested that you come?

22 A Yes, sir.

23 Q It wasn't vice versa?

24 A No.

25 Q Now, did your wife call the jail to find out

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1 when Louviere was getting out on
2 Thursday?

3 A No, sir, I don't believe she did.

4 Q Okay.

5 A If she did, she didn't tell me.

6 Q Well, after you talked to Louviere, did you
7 talk to your wife?

8 A Yes, sir.

9 Q And you told her -- what did you tell her?

10 A I told her exactly what took place between me
11 and Mr. Louviere.

12 Q Okay.

13 A Exactly what I just stated here.

14 Q Well, let's me just ask you --

15 A Now she was upset.

16 Q Your wife was upset?

17 A (Nods head)

18 MR. MCKAY:

19 Let me just flip through this real quick.

20 EXAMINATION BY MR. MCKAY:

21 Q I'm looking at an entry of August 17. It
22 wasn't your wife, it was Sergeant Simon's
23 wife. Her name is Michelle?

24 A Yes, sir.

25 Q She works there at the jail?

1 A Yes, sir.

2 Q Or she works for the Sheriff's office?

3 A Right.

4 Q And it said that she called and said that
5 Sergeant Chester Simon and Detective
6 Dennis Fruge were notified that he was
7 being released, okay. Both were working
8 at this time.

9 Do you recall being notified he
10 was being released from jail?

11 A Yes, sir.

12 Q Was there a reason for that?

13 A Me and Mr. Louviere live in the same town.

14 Q Okay.

15 A We had two confrontations. Things between him
16 and Detective Simon got off you know to
17 a bad start. I guess they were just
18 notifying us just to make sure that the
19 families were okay and that we knew Mr.

20 Louviere would be out.

21 Q Well, after you had talked to him personally,
22 did you have any concern that he was
23 going to try to bother you?

24 A No, sir.

25 Q If he had been convicted of a felony based on

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1 these charges, you would have supported
2 that; is that correct? Any charge
3 against you for public intimidation?

4 A Yes, sir.

5 MR. BAROUSSE:

6 I think you said charges against him.

7 MR. MCKAY:

8 What's that?

9 MR. BAROUSSE:

10 I think you --

11 MR. MCKAY:

12 Did you understand what I said?

13 THE WITNESS:

14 Yes, I understood what you said, yes,
15 sir.

16 EXAMINATION BY MR. MCKAY:

17 Q Would you have wanted him to serve jail time
18 if he had been convicted of that?

19 A I didn't want all this to take place from the
20 start.

21 Q Okay.

22 A All I wanted was for Mr. Louvriere to leave us
23 alone. That's the whole thing in a
24 nutshell. That's the reason we went to
25 make contact with him. We were going to

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1 work the problem out at Mr. Louviere's
2 house and everybody would have gone about
3 their business.

4 Q And if you had known that there was a problem
5 that Mr. Louviere had filed against you
6 like eight months earlier, you would have
7 been concerned about it, wouldn't you?

8 A Well, at least I would have known about it.

9 Q And you would have expected it to be addressed,
10 wouldn't you?

11 A Yes.

12 Q As far as you know, it was never addressed; is
13 that right?

14 A Not to my knowledge.

15 Q And have you ever gone to look for any sort of
16 document that indicates that Louviere
17 made a complaint, even after he was
18 arrested?

19 A No, sir.

20 Q And Latiolais never came up and said "hey, we
21 got a complaint," even after Louviere was
22 arrested, "we got a complaint. This is
23 why Louviere was upset"?

24 A (Shakes head)

25 Q Nobody ever said anything to you?

1 A Not that I recall.

2 MR. MCKAY:

3 Let me talk to Louvriere and maybe we are
4 through. I'm not sure.

5 (Recess)

6 MR. MCKAY:

7 I have just got a couple more lines of
8 questioning.

9 EXAMINATION BY MR. MCKAY:

10 Q When you went into the warden's office or the

11 --

12 MR. BAROUSSE:

13 Medic room.

14 EXAMINATION BY MR. MCKAY:

15 Q The medic room, I'm sorry. Were you wired?

16 A No, sir.

17 Q You had no recording devices on you?

18 A No, sir.

19 Q And your testimony is you never took a
20 statement from Louvriere?

21 A No, sir.

22 Q And to your knowledge, there's no statement
23 that has ever been taken of an oral
24 statement that was recorded on a dictaphone
25 or a recorder or anything, of Mr.

1 Louviere?

2 A No, sir, not that I'm aware of.

3 Q Let me ask you this: Looking at your statement
4 and you are welcome to look at it, but
5 you have seen it before, haven't you?

6 A Yes, sir.

7 Q I just want to go over it a minute.

8 Your testimony is that you wrote
9 it sometime after 5 p.m. on August 13, '05
10 when you went to the Sheriff's office?

11 A Somewhere around in there.

12 Q And you typed it on a computer there?

13 A Yes, sir.

14 Q This looks like a narrative?

15 A Yes, sir.

16 Q I'm just going to paraphrase and read through
17 it here. It says on August 12 you were
18 helping Zan Dupre cut rice on the Clement
19 farm north of Iota. A man on a 4-wheeler
20 drove up to me and asked how I was doing.
21 I did not know the man and I thought he
22 was being nice. I told him I was doing
23 fine and that we were fixing to cut --
24 to quit for the day, which is about 7:30
25 p.m.

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1 Do you recall him ever saying
2 anything about cutting green rice?

3 A No, sir.

4 Q You don't remember anything like that?

5 A (Shakes head) Like I said, we had a
6 conversation -- a good conversation that
7 was started. And I don't remember
8 exactly what it was about -- you know,
9 but nothing -- I can't recall anything
10 about green rice.

11 Q Now, it said at this point the man called me
12 by my first name, Dennis. And I said yes,
13 that's my name.

14 Did he tell you he recognized
15 your voice or something or did he tell
16 you he recognized you?

17 A Not that I recall.

18 Q You didn't get any impression that he came up
19 to you to try and start a problem?

20 A No, sir.

21 Q "And that's when he said he had charges against
22 me. I asked what he was talking about."

23 That's generally what the
24 conversation was?

25 A (Nods head)

1 Q He said for not taking a gun from the people
2 in Evangeline.

3 You remembered that incident then,
4 or did you?

5 A Right at that moment, no, but it started
6 getting clear a little bit later.

7 Q Let's see. "At this point I recognized the man
8 but did not remember his name".

9 That's true; is that correct?

10 A Yes, sir.

11 Q He stated he had charges through the DA's
12 office against me. And I told the man I
13 had never been contacted by the DA and
14 that's when he became mad.

15 A Yes, sir.

16 Q What did he do at that point that exhibited to
17 you that he was mad?

18 A His voice changed. He became -- you know,
19 kind of aggressive -- I mean not towards
20 -- not getting up and coming towards me
21 but I could tell he was angry and the way
22 he was speaking. And I -- at that point
23 we just shut it down.

24 Q He was still sitting on his 4-wheeler or was
25 he off of it?

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1 A I think he was still on his 4-wheeler.

2 Q "At this point I told the man that one of us
3 would have to leave the property and that
4 the farmer was coming so that he would
5 have to leave."

6 Is that true?

7 A I told him one of us needed to leave.

8 Q And I won't belabor this but you didn't order
9 him to leave; is that right?

10 A No, sir.

11 Q On August 13, '05, this is the next day at
12 approximately 1:00 p.m. Could it have
13 been as late as 1:00 p.m?

14 A It was around that time because you don't
15 start cutting rice too early in the
16 morning.

17 Q "I was riding with my stepson from one farm to
18 another when the same man flagged me down
19 on Tulip Road."

20 Okay. That's Louvriere, right?

21 A Yes, sir.

22 Q "He got off his 4-wheeler, stood in front of
23 the bike where he had a stick and stated,
24 'Get out of the fucking truck so I can
25 kick your fucking ass'?"

- 1 A (Nods head)
- 2 Q He used the fuck word?
- 3 A Yes, sir.
- 4 Q The F word?
- 5 A Yes, sir.
- 6 Q "I told the man I did not have time for him and
- 7 drove off"?
- 8 A Right.
- 9 Q "I then contacted the Sheriff's office to file
- 10 a complaint," which is what you said you
- 11 did?
- 12 A (Nods head)
- 13 Q "A short time later Sergeant Chester Simon
- 14 Junior arrived and we went looking for
- 15 the man on the 4-wheeler. We located a
- 16 farmer in a rice field and asked if he saw
- 17 the man on the 4-wheeler and he said yes."
- 18 Is that correct?
- 19 A Yes.
- 20 Q "And he told us where he lived"?
- 21 A (Nods head)
- 22 Q "Sergeant Simon and I went to the man's
- 23 residence and found no one home so we
- 24 left."
- 25 Okay, and that's true; is that

1 correct?

2 A Yes, sir.

3 Q "And I went back to cutting rice"?

4 A (Nods head)

5 Q Is that the only statement you ever made on
6 this?

7 A Yes, sir.

8 Q Let me ask you to look at this affidavit for
9 Warren. It was signed by Detective Gibson
10 on August 13, 2005. There's some
11 references in there to statements made
12 about the incidents we have just
13 discussed.

14 I just want you to tell me --
15 just read it. Take your time to read it,
16 okay?

17 A (Witness complies)

18 Q Officer, let me ask you. Some of this
19 affidavit talks about facts involved in
20 the incident with you and Louviere on the
21 12th and 13th; is that right?

22 A Yes, sir.

23 Q And do you know how Gibson got these facts?

24 A I would guess it would be by Detective Simon.

25 Q Okay. Because you didn't do it yourself?

1 A No, sir.

2 Q One last thing here that I'm thinking about
3 right now. Let me just ask you.

4 Why did you and the other two
5 officers go into Louviere's barn on the day
6 that you went to his residence?

7 A It's an open barn.

8 Q Okay.

9 A Okay. And I mean to go into it, no. We went
10 and looked around to see if anybody was
11 there.

12 Q If a license plate had been taken off of a
13 vehicle at that house, would it normally
14 have been called in on the radio as
15 opposed to a telephone, to 911?

16 A Yes, sir.

17 Q Is there a circumstance that it could have
18 been called in on the telephone?

19 A Yes, sir. If the radio wasn't working properly
20 and couldn't get through to the dispatch.

21 Q At any time that you were riding with Simon
22 that day, did you use the radio in his
23 car?

24 A Not that I am aware of.

25 Q Did you hear any communications he had with

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1 911 while you were riding with him?

2 A I don't remember.

3 Q Do you recall any conversations he may have
4 have had either on the telephone or on the
5 radio with any other deputy?

6 A No, sir. I mean there were no other units
7 that came and met us or anything.

8 MR. MCKAY:

9 That's all I have. Thank you.

10 MR. BAROUSSE:

11 Okay, that's it.

12 He's going to read and sign, so if
13 you will mail it to me, I'll take care of
14 that.

15 (FURTHER, THE DEPONENT SAITH NOT)

16 * * *

C E R T I F I C A T E

I do hereby certify that the above-named witness, after having been first duly sworn by the undersigned, by authority of Louisiana Revised Statutes 37:2553, as enacted by the Louisiana Legislature, to testify to the truth, the whole truth, or alternatively upon his/her affirmation, did testify as hereinabove set forth;

That the testimony was reported by me in shorthand (Stenograph) and the computer-aided transcript was produced either directly by me or under my personal direction and supervision, and is true and correct to the best of my certain knowledge, ability and understanding;

That I am not of counsel, not related by blood or contracted with counsel or any party hereto, or am I in anywise interested in the disposition of this suit.

* * *


RONNIE HOTZ

CERTIFIED COURT REPORTER

RONNIE HOTZ THE DEPOSITION KING
P. O. BOX 3149 LAFAYETTE, LOUISIANA 70502

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1 UNITED STATES DISTRICT COURT
2 MIDDLE DISTRICT OF LOUISIANA
3 BATON ROUGE DIVISION
4 CIVIL ACTION NO 6:06-CV-1374 LO

5 WILLIS LOUVIERE VS ACADIA PARISH SHERIFF'S DEPT.

6 DEPOSITION OF: DENNIS RAY FRUGE

7 HOMER ED BAROUSSE, JR., ESQ.
8 211 NORTH PARKERSON AVENUE
9 CROWLEY, LOUISIANA 70527

10 MRCH 20, 2007

11 DEAR MR. BAROUSSE:

12 Inasmuch as the formality of signing is not waived,
13 we are providing your copy to have the witness
14 read and sign.

15 We have attached Transcript Corrigendum Sheets in
16 order for the deponent to list any corrections and
17 said reasons for corrections; and ask that the sig-
18 nature be executed and returned to us along with the
19 said documents, as indicated below.

20 DO NOT WRITE on the original transcript. The law
21 requires that the above instructions be completed
22 within thirty (30) days of receipt of same, other-
23 wise, the right of reading and signing is auto-
24 matically waived.

25 You CANNOT CHANGE ANY QUESTION, only make correct-
ions to your testimony.

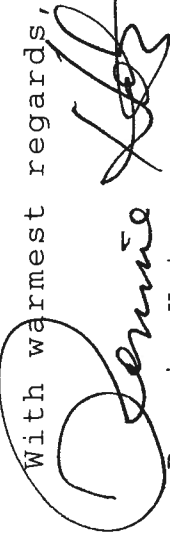
PLEASE RETURN ONLY THE FOLLOWING:

Corrections and Witness's Certificate sheet.

PLUS COPY OF TITLE (caption) & APPEARANCE SHEETS

Avec mes sentiments les plus distingués,

With warmest regards,


Ronnie Hotz

cc: Counsel noticing the deposition.

RONNIE HOTZ THE DEPOSITION KING
P. O. BOX 3149 LAFAYETTE, LOUISIANA 70502

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TRANSCRIPT AMENDMENT SHEET

WILLIS LOUVIERE VS. ACADIA PARISH SHERIFF'S DEPT.
DEPOSITION OF: DENNIS RAY FRUGE
TAKEN ON: 16 MARCH 2007

* * * * *

I wish to amend the foregoing deposition in the
following manner:

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DEPONENT/WITNESS'S CERTIFICATE

A person who takes an oath and gives his/her deposition, as you have done, is called a DEPONENT.

A person who takes an oath and gives his/her deposition, as you have done, is ALSO called a WITNESS.

It is required BY LAW that you, and YOU, MEANING THE PERSON THAT IS READING THIS -- (or having this read to you) -- THE DEPONENT -- THE WITNESS -- affix "YOUR OWN" signature or imprimatur to the certificate below.

* * * * *

I, DENNIS RAY FRUGE, have read or have had the foregoing transcript read to me, and do hereby certify that the testimony is true and correct to the best of my ability and understanding, subject to any corrections and reasons for corrections that I have listed on the hereinabove-attached correction sheet(s).

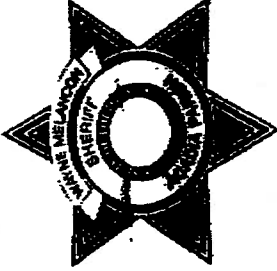
YOU SIGN HERE-->>_____

FURTHER, THE DEPONENT/WITNESS SAITH NOT.

RONNIE HOTZ THE DEPOSITION KING
P. O. BOX 3149 LAFAYETTE, LOUISIANA 70502

**ACADIA PARISH SHERIFF'S DEPT
P. O. BOX 289
CROWLEY, LA 70527-0289
WAYNE MELANCON, SHERIFF**

VOLUNTARY STATEMENT



PARISH OF ACADIA CRIMINAL INVESTIGATIONS DIVISION.

**DATE: 12-06-04
AGE: 53
ADDRESS: 1216 LILLY RD, NOTAL, LA.
SOCIAL SECURITY NUMBER: 433-86-0617**

**NAME: WILLIS LOUVIERE
DATE OF BIRTH: 3-6-61
PHONE: 779-2650**

The reason for my presence is to give a voluntary statement. I am giving this statement to Brigid Gibson who has identified herself as a Deputy Sheriff of Acadia Parish, State of Louisiana

I'M HERE TO TODAY TO FILE CHARGES AGAINST OFFICER FRUGE FOR LYING ON DECEMBER 3RD, CONCERNING AN INCIDENT THAT HAPPENED ON THE 23RD OF NOVEMBER WHICH WAS NOT ACTED UPON BY THE SHERIFF'S DEPARTMENT. THEN ON DEC. 3RD ANOTHER INCIDENT OCCURRED CONCERNING THE SAME PERSON WHILE I WAS AT THE SHERIFF'S DEPARTMENT CHECKING ON THE INCIDENT OF THE 23RD OF NOVEMBER, IT WAS BETWEEN CASEY WARD AND MY BROTHER LARRY. MY OTHER BROTHER JESSIE DIETZ, CAME AND MEANT ME AND SAID THAT GEORGE TRUMPS HAD PULLED A PISTOL OUT ON MY BROTHER LARRY AND HIS SON AND WIFE AND THEN THE SHERIFF DEPARTMENT PUT MY BROTHER LARRY AND HIS WIFE IN JAIL. MY BROTHER JESSIE TOLD ME THAT LARRY TOLD OFFICER FRUGE THAT TRUMPS HAD PULLED OUT A GUN AND HE HAD POINTED IT TOWARDS THEM. THEN OFFICER FRUGE SAID HE WOULD CHECK FOR THE GUN LATER WHICH HE NEVER DID CAUSE MY BROTHER JESSIE WAS WATCHING HIM.

I have read this statement consisting of 1 page(s), the last page bears my signature and I do affirm that all facts and statements contained herein are true and correct.

Person making statement: Willis Louviere

Deputy Sheriff taking statement:

ACADIA PARISH SHERIFF'S DEPT.
WAYNE MELANCON, SHERIFF
INITIAL POLICE REPORT

12/06/04

COMPLAINT: LOUVIERE WILLIS
ADDRESS: 1216 LILLY RD IOTA
PHONE: 779-2650

DATE OF COMP: 11/23/04

TIME: 12:24:00

LOCATION: OLD EVANGELINE 1066

NATURE/TYPE: OTHER

COMPLAINT NO: 116611

CASE NO:

VICTIM: SOCIETY

ADDRESS:

ARREST:

SYNOPSIS

STOPPED SUBJ FROM FIGHTING IN THE ROAD/ CONFLICTING STORIES, NO FIGHT ONGOING
PROBLEM BETWEEN NEIGHBORS